

220

JURY 8/24/71

2ND ADD JURY 212 XXX HE ADDED.

THE COURT ORDER TO WHICH EPSTEIN REFERRED WAS ONE ISSUED BY SUPERIOR JUDGE HERBERT V. WALKER, NOW RETIRED, WHO PRESIDED OVER SIRHAN'S TRIAL.

THAT ORDER PREVENTED ANYONE FROM EXAMINING EXHIBITS UNLESS THEY HAD COURT PERMISSION TO DO SO.

REFERRING TO TALMACHOFF, EPSTEIN SAID HE "HAS EXHIBITED A FAILURE TO INFORM, TRAIN AND SUPERVISE SUBORDINATE PERSONNEL AS TO THE EXISTENCE, SPECIFIC CONTENT, EFFECT AND IMPORTANCE OF THE COURT ORDER...GOVERNING THE SECURITY AND HANDLING OF THE ORIGINAL SIRHAN EXHIBITS."

THE FOREMEN CLAIMED THAT BECAUSE OF THE "STARTLING INADEQUACY" OF THE OFFICIAL RECORD OF TRANSACTIONS IN THE CLERK'S OFFICE, THE JURY CANNOT PRESENTLY TAKE ANY CRIMINAL ACTION RELATING TO POSSIBLE THEFTS OF DOCUMENTARY EVIDENCE NOW MISSING.

"THE GRAND JURY WISHES TO EXPRESS EMPHATICALLY, CONCERN OVER THE APPARENT EASE WITH WHICH DOCUMENTS AND OTHER ITEMS UNDER THE CUSTODY OF THE COUNTY CLERK CAN BE UNLAWFULLY TAKEN," THE LETTER DECLARED.

EPSTEIN SAID THE THEFT OF ANY DOCUMENT FROM A PUBLIC OFFICE IN ITSELF SHOULD BE A MATTER OF IMPORTANCE.

"WHEN SUCH THEFTS OCCUR IN CONNECTION WITH A CASE OF HISTORICAL IMPORTANCE, AND WHERE SUCH DOCUMENTS HAVE PRESUMABLY BEEN STORED FOR SAFEKEEPING WITH AN AGENCY OF LOCAL GOVERNMENT, WHICH IS AN INTEGRAL PART OF THE CRIMINAL JUSTICE SYSTEM, SUCH THEFTS BECOME MATTERS OF MAJOR CONCERN," HE ADDED.

(MORE)

TTU 12PM